

JUN 28 2006

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Lesko *et al.*

Appl. No.: 09/430,175

Filed: October 29, 1999

For: **Multiple Marker Characterization
of Single Cells**

Confirmation No.: 6875

Art Unit: 1642

Examiner: Canella, Karen A.

Atty. Docket: 2314.0020001/JUK/MEK

**Petition to Withdraw from Issue Under 37 C.F.R. § 1.313(c)(3) for
Consideration of Express Abandonment Under 37 C.F.R. § 1.138**Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450*Mail Stop Petition*

Sir:

It is hereby petitioned under 37 C.F.R. § 1.313(c)(3) that the captioned application be withdrawn from issue for consideration of the accompanying Express Abandonment Under 37 C.F.R. § 1.138. Please abandon the captioned application in favor of continuing U.S. Application No. 11/182,897; filed July 18, 2005.

This petition is accompanied by the required fee (37 C.F.R. § 1.17(h)). The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Judith U. Kim
Attorney for Applicants
Registration No. 40,679Date: June 28, 2006
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06/29/2006 CKHLOK 00000004 190036 09430175

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OFFICE OF PETITIONS

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☒ Urgent☐ Return reply requested☐ Original will be sent as confirmation

To: U.S. Patent and Trademark Office

Date: June 28, 2006

Attention: Ms. Karen Greasy
Office of PetitionsRe: Appl. No. 09/430,175; Filed 10/29/99
For: Multiple Marker Characterization of
Single Cells
Inventors: Lesko *et al.*

From: Judith U. Kim JUK

Pages (including cover sheet): 5

Fax No: 571-273-0025

Our Reference: 2314.0020001/JUK/MEK

Message

1. SKGF Cover Letter;
2. Petition Fee Under 37 C.F.R. 1.17(h) Transmittal (PTO/SB/17p);
3. Petition to Withdraw from Issue Under 37 C.F.R. § 1.313(c)(3) for Consideration of Express Abandonment Under 37 C.F.R. § 1.138; and
3. Express Abandonment Under 37 C.F.R. § 1.138.

Certification of Facsimile Transmittal

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Name: Spencer Miller Date: June 28, 2006

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June 28, 2006

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application
Appl. No. 09/430,175; Filed: October 29, 1999
For: **Multiple Marker Characterization of Single Cells**
Inventors: Lesko *et al.*
Our Ref: 2314.0020001/JUK/MEK

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Petition Fee Under 37 C.F.R. 1.17(h) Transmittal (PTO/SB/17p);
2. Petition to Withdraw from Issue Under 37 C.F.R. § 1.313(c)(3) for Consideration of Express Abandonment Under 37 C.F.R. § 1.138; and
3. Express Abandonment Under 37 C.F.R. § 1.138.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Judith U. Kim

Judith U. Kim
Attorney for Applicants
Registration No. 40,679

JUK/MEK/lam
Enclosures

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PTO/SB/17p (11-04)

Approved for use through 07/31/2007. OMB 0661-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE
Under 37 C.F.R. 1.17(f), (g) & (h)
TRANSMITTAL
(Fees are subject to annual revision)Send completed form to: Commissioner for Patents
P.O. Box 1460, Alexandria, VA 22313-1460

Application Number	09/430,175
Filing Date	October 29, 1999
First Named Inventor	Stephen A. Lesko
Art Unit	1642
Examiner Name	Canella, Karen A.
Attorney Docket Number	2314.0020001/JUK/MEK

Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-0036 :
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.63(e) - to accord a filing date.
- § 1.67(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

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OFFICE OF PETITIONS**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.298 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.660(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.16 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Judith U. Kim
SignatureJudith U. Kim
Typed or printed nameJune 28, 2006
Date40,679
Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.